

It's time for patent protection!

A compact guide for start-ups.

Are you passionate about your invention, but worried about how to protect it?

If so, patents may be a great option for you to consider. Patents can be a tricky subject matter, but this guide will help you learn more about them and why they may be right for your business.

What are patents?

A patent is an intellectual property right that is granted over inventions for a period of 20 years. Inventions include a product or a process that provides a new technical solution to a problem.



How do you obtain a patent?

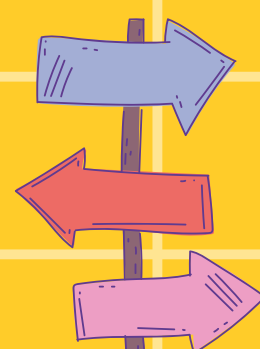
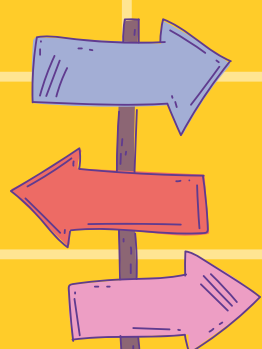
Patents are territorial rights. To obtain patent protection you must apply for a patent in each territory you want to protect it in (i.e. if seeking protection in the UK you must file an application before the UK Intellectual Property Office (UK IPO) under the Patent Act 1977. The application process begins with filling in a form and paying the application fee).

Further steps in the application process are set out below.

Countries such as the US, China, India and Japan have similar patent application processes.

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Why are patents relevant to your business?

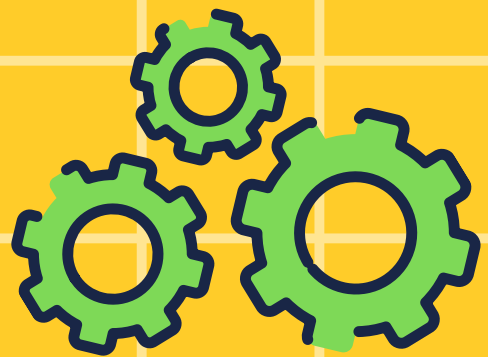
A patent gives you:

- A 'monopoly' over your invention for 20 years, which gives your business a competitive advantage.
- The legal right to stop others from making, using, selling or importing your invention.
- The chance to exploit your invention commercially through third parties (e.g. licensing your technology can give you a passive revenue stream by allowing others to commercialise your invention).
- Opportunity to attract private investment or secure credit for your business.



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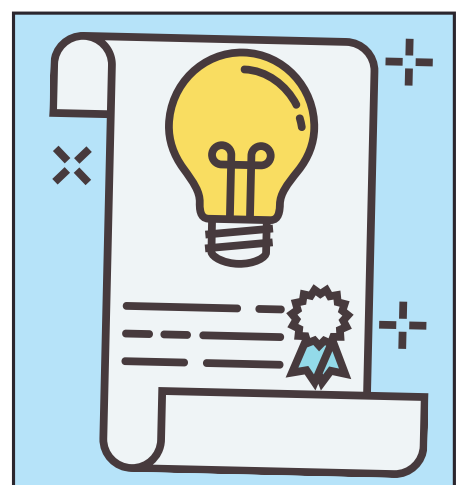
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What are the requirements for obtaining patents?

To be patentable, your invention must:

- Be new/novel (i.e. the invention is not publicly known).
- Involve an inventive step (i.e. the invention is not obvious to a person with skill in the field).
- Be capable of industrial application (i.e. a perpetual motion machine is not patentable because it cannot be made or used).
- Not be considered as non-patentable subject matter, such as -
 - Discovery, scientific, theory or mathematical method.
 - Literary, dramatic, musical or artistic works.
 - Scheme, rule or method for performing a mental act, playing a game, business methods, or a computer program.
 - A presentation of information.
 - Processes for the production of animals or plants that consist entirely of natural processes.





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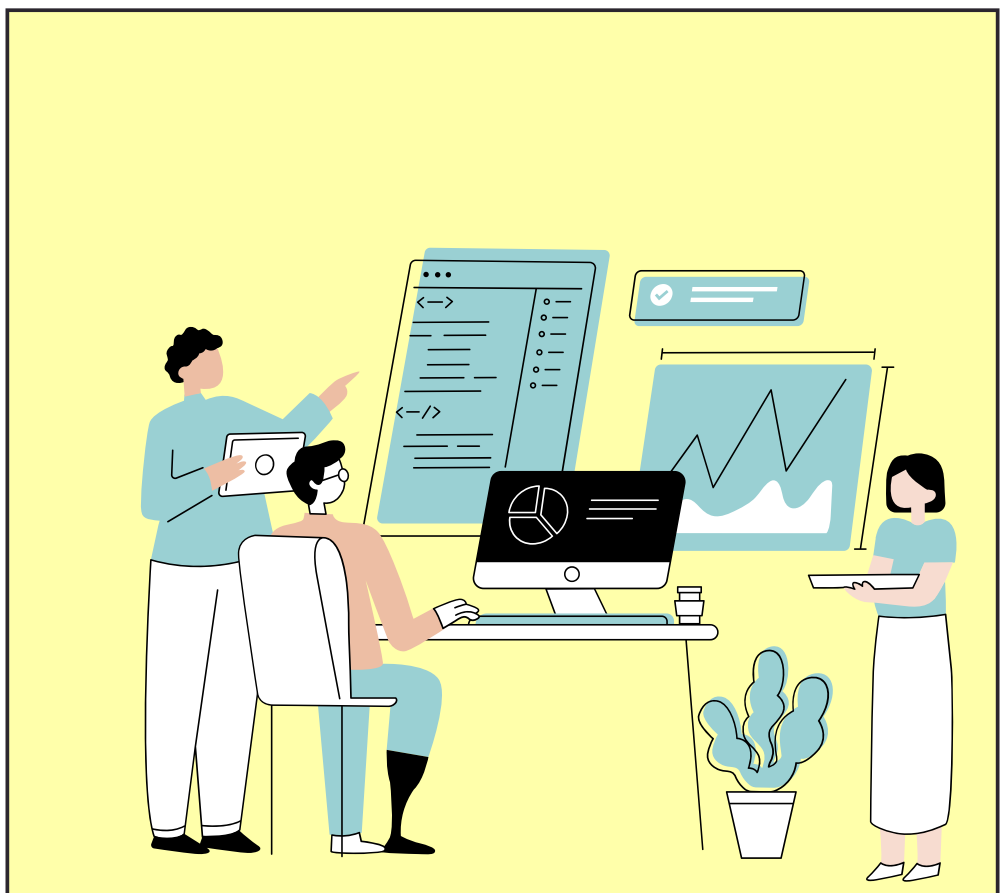
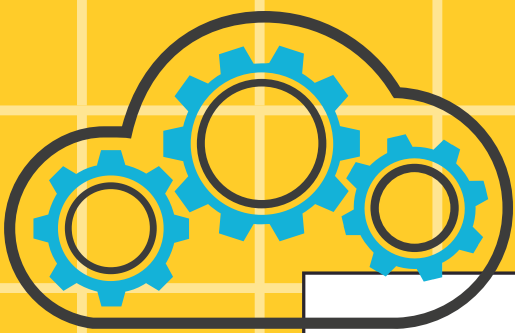


Be careful if you are developing software!

Computer programs alone cannot be patented (but will be protected as literary works under copyright law). However, computer-implemented inventions can be patented where they comprise:

- The use of a computer; and/or
- A computer network; and/or
- Other programmable apparatus which has at least one function that is realised by a computer program.

To patent computer implemented inventions, it is necessary to show that there is a technical effect produced by the invention. Examples of technical effects include a faster processing speed, increased storage or increased security.





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Keep your invention secret!

If you disclose details of your invention before applying for a patent, you can affect the novelty requirement and will not be able to obtain a patent. Therefore, it is very important to not disclose your invention in any way before filing a patent application!

Disclosure can be participating in a crowdfunding, talking to potential investors, manufacturers, friends, or any other way of making the invention available to the public (e.g. such as through social media).

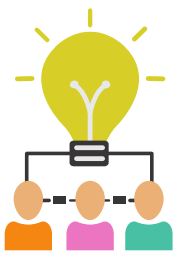
If you need to disclose the invention to a third party (e.g. for them to manufacture it), you should consider asking them to sign a non-disclosure agreement (NDA) beforehand.



If you need to disclose the invention to your employees you must consider further measures alongside an NDA. For example, the information must be identified as confidential, you should limit access to the information to persons on a need-to-know basis and ensure that the confidential information is well stored at a physical and electronic level.



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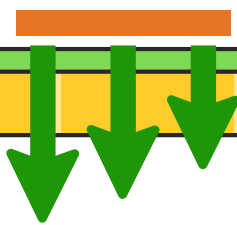
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What is the process for obtaining UK patents?

UK patent applications are made through the UK IPO.

The process is:

- Ensure the novelty requirement is met by conducting a prior search for similar patents.
- Prepare the patent application with the help of a patent attorney.
- File the patent application with the UK IPO and request a search (the search report will usually be available within 6 months). A search will identify if any "prior art" (such as scientific documents or an earlier patent application) that can affect the novelty or inventive step of the patent application exists.
- The application will be published 18 months after you file it.
- Within 6 months of publication, request a substantive examination (which will address if your invention is new and inventive enough).
- Respond to any comments from the UK IPO on the substantive examination.
- The application will be granted or refused.



Obtaining a patent right can take several years from the date of filing, and we highly advise you to contact a patent attorney to assist with your application. Patent applications can cost up to £4,000 to file and, in some cases, will cost considerably more.

Additional costs may occur as the application proceeds. The final cost will depend on the specific case, the subject matter of the invention and the cost of the patent attorney. Additionally, once you receive a granted patent you must pay ongoing renewal fees.



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What are the alternatives to obtaining a patent?

You can seek to protect your invention and know-how through trade secrets, provided the information is secret and reasonable measures to ensure it remains secret have been taken. Unlike patents, trade secrets don't have an expiration date and don't need to be registered.



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